

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Revision of the Commission's Rules
To Ensure Compatibility with Enhanced
911 Emergency Calling Systems

Wireless E911 Phase II Automatic
Location Identification Requirements

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CC Docket 94-102

DA 99-1049

REPLY COMMENTS OF SOUTHERN COMMUNICATIONS SERVICES, INC.

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Dated: July 2, 1999

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REPLY COMMENTS OF SOUTHERN COMMUNICATIONS SERVICES, INC.

Southern Communications Services, Inc., d/b/a Southern LINC ("Southern"), through its undersigned counsel, respectfully submits these reply comments in response to the *Public Notice* released by the Wireless Telecommunications Bureau (WTB) in the above-captioned proceeding.¹ For the reasons more fully set forth below, Southern urges the Commission to modify its E911 Phase II rules so that they are technologically and competitively neutral. Specifically, Southern agrees with the majority of commenters in this proceeding who endorse a phased-in deployment schedule for E911 Phase II compliance. However, Southern believes that it is premature for the Commission to adopt rigid deployment benchmarks at this time. Rather, the Commission should clarify that a carrier may satisfy the E911 Phase II rules by offering an ALI(Automatic Location

¹ See *Wireless Telecommunications Bureau Requests Targeted Comment on Wireless E911 Phase II Automatic Location Identification Requirements, Public Notice*, CC Docket No. 94-102, DA 99-1049 (June 1, 1999) (*Notice*).

Identification)-capable handset for sale to its customers by the October 1, 2001 deadline.

I. BACKGROUND

A. E911 Rules

Currently, Commission Rule 20.18 requires covered wireless carriers to deploy ALI as part of E911 service beginning October 1, 2001, provided that the Public Safety Answering Point (PSAP) has requested the service, is capable of using it and a cost recovery mechanism is in place.² Section 20.18(e) requires covered carriers to provide the location of all wireless 911 to requesting PSAPs by longitude and latitude within a radius of no more than 125 meters in 67 percent of all cases using root mean square (RMS) techniques.³ On February 4, 1999, Southern timely submitted a response to the Commission's Request for Waiver⁴ of E911 Phase II requirements stating that it did not have sufficient information concerning Phase II ALI solutions to respond to the Commission's specific waiver guidelines, but reserving its right to file a waiver request after it has had the opportunity to better evaluate the Phase II ALI solutions that may become available.⁵

In its recent *Notice*, the Commission recognizes that its Phase II E911 rules concerning ALI may contradict its stated goal of adopting rules that are technologically

² See 47 C.F.R. § 20.18(e) and (f).

³ See *id.* § 20.18(e).

⁴ *Public Notice, Wireless Telecommunications Bureau Outlines Guidelines for Wireless E911 Rule Waivers for Handset-Based Approaches to Phase II Automatic Location Identification Requirements*, 13 FCC Rcd 24609 (1998).

⁵ *Request of Southern Company for Leave to File a Request for Waiver at a Later Date* (February 4, 1999).

and competitively neutral by favoring system-based technological solutions.⁶

Accordingly, the Commission seeks comment on the following issues related to E911

Phase II ALI: (1) whether to adopt standards for handset approaches similar to those

outlined by SnapTrack, Inc.⁷ and the Association of Public Safety Communications

Officials International, Inc. (APCO)⁸; (2) how to handle the issue of roaming and handset

turnover; and (3) whether it should modify the methodology for determining ALI accuracy.

B. SOUTHERN'S ENHANCED SMR SYSTEM

Southern, a wholly-owned subsidiary of Southern Company, operates a unique digitally-enhanced, wide-area Specialized Mobile Radio (SMR) system in the Southeastern U.S. Southern provides dispatch, text messaging, paging, interconnected voice and internet service using a single handset. Southern's system is the largest centrally switched, state-of-the-art digital 800 MHz SMR system in the world, with an authorized service area of more than 120,000 square miles. The system provides internal communications for

⁶ See Notice (citing *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Memorandum Opinion and Order*, 12 FCC Rcd 22665, 22725 (1997) (*E911 MO&O*)).

⁷ SnapTrack proposes that the Commission should deem carriers to be in compliance with Commission Rule 20.18(e) if they: (1) begin to deploy location-capable handsets by January 1, 2001; (2) deploy only location-capable handsets after December 31, 2001; and (3) achieve location accuracy of 90 meters using circular error probability (CEP) methodology. Notice at 3.

⁸ APCO proposes that carriers be allowed to implement a handset-based solution only if they deploy location-capable handsets according to a specific schedule and meet firm deadlines for achieving specific levels of location-capable handsets among all of their subscribers. Specifically, APCO proposes that (1) carriers begin to offer ALI-capable handsets no later than January 1, 2001; at least 80 % of handsets being deployed on the carrier's system must be ALI-capable as of December 31, 2001; and 100 % of handsets being deployed on the carrier's system must be ALI-capable as of December 31, 2002; and (2) 25 % of all phones in use on a carrier's system must be ALI-capable by the end of 2002, 50 % by end of 2003, 75% by end of 2004, and 100% by end of 2005.

Southern's parent company's five operating utilities and provides service to a large, growing external customer base, currently serving over 125,000 subscribers, including thousands of subscribers in rural areas.

Southern's wide-area SMR system employs Motorola's Integrated Digital Enhanced Network ("iDEN") technology,⁹ a digitally-enhanced, time division multiple access technology, which to date is the only commercially available digital 800 MHz SMR technology. Currently, there is no commercially available solution for deploying Phase II ALI when using iDEN technology.¹⁰

III. DISCUSSION

A. SOUTHERN SUPPORTS THE COMMISSION'S EFFORTS TO MODIFY ITS PHASE II E911 RULES SO THAT THEY ARE TECHNOLOGICALLY AND COMPETITIVELY NEUTRAL, BUT OPPOSES THE RIGID APPLICATION OF DEPLOYMENT BENCHMARKS

Southern is working diligently to comply with all of its E911 obligations, and is committed to deploying Phase II ALI technology as expeditiously as possible. Southern has no vested interest in a particular technology for the provision of Phase II ALI and, similar to most other wireless providers, is still investigating both network and handset based solutions. As such, Southern supports the Commission's efforts to ensure that its Phase II rules are technologically and competitively neutral.

Because a carrier need not deploy Phase II ALI until it receives a request for such

⁹ The identical technology is being used by Nextel.

¹⁰ Notably, Nortel Networks Inc. states in its comments that "proponents of several of the proposed methodologies, whether network-based or handset-based, have overstated the commercial availability of their solutions." Comments of Nortel Networks Inc. at 4.

information from a PSAP, the FCC's rules allow network-based solutions to be deployed on a *de facto* phased-in basis.¹¹ Depending on PSAP demand, a carrier implementing a network-based solution likely will be able to do so on an area-by-area basis, rather than on network-wide basis. As such, Southern agrees in principle with the idea of allowing phased-in deployment for handset based solutions to maintain technological neutrality between handset-based and network-based solutions.¹²

Significantly, however, Southern does not believe that the Commission should adopt any deployment schedule at this time.¹³ Rather, a carrier should be deemed in compliance with the Commission's Phase II requirements to the extent that it offers an ALI solution, whether handset-based or network-based, by October 1, 2001. Because Southern's system uses unique technology, Motorola's iDEN, Southern must have a solution that is compatible with this technology. Unfortunately, compliance problems can result for carriers like Southern despite their best efforts if vendors do not produce a solution in a timely fashion. Therefore Southern believes that after vendors have started to make ALI-compliant handsets available to carriers, the Commission can make a more informed decision on appropriateness of deployment benchmarks.

¹¹ See Comments of BellSouth Corporation at 5.

¹² Many commenters support a phased-in deployment approach for handset based solutions. See Comments of Aerial Communications, Inc. at 2; Comments of Airtouch Communications, Inc. at 7-11; Comments of Alltel Communications, Inc. at 3; Comments of Ameritech at 5.

¹³ Many carriers object to the rigid application of deployment benchmarks. See Comments of Airtouch Communications, Inc. at 12; Comments of Alltel Communications, Inc. at 3; Comments of AT&T Wireless Services, Inc. at 2; Comments of GTE Wireless, Inc. at 4; Comments of PrimeCo Personal Communications, L.P. 3; Comments of Sprint PCS at 3-4.

B. A CARRIER SHOULD BE DEEMED IN COMPLIANCE WITH THE FCC'S PHASE II REQUIREMENTS IF IT OFFERS AN ALI-COMPLIANT HANDSET FOR SALE BY OCTOBER 1, 2001

A carrier should be deemed in compliance with the FCC's Phase II E911 rules to the extent that it offers for sale an ALI-compliant handset for sale by October 1, 2001.¹⁴ Although substantial progress has been made toward the Commission's goal of providing PSAPs with ALI, the record in this proceeding makes clear that it would be premature for the Commission to adopt the type of rigid deployment benchmarks advocated by SnapTrack and APCO.¹⁵ There simply are too many variables out of a carrier's control to mandate these types of rigid benchmarks. For example, it is not clear when Motorola will be able offer an ALI-compliant handset for the iDEN technology, and it is not clear how willing consumers will be to replace their old handsets. Because these and other factors relevant to meeting benchmarks are beyond a carrier's control, Southern believes that offering an ALI-compliant handset by October 1, 2001 should be sufficient for purposes of compliance with the Commission's Phase II requirements.

In its *Notice*, the Commission further sought comment on whether it should impose an obligation upon carriers adopting a handset-based solution to offer either to retrofit or to replace subscriber handsets to make them ALI-capable at the carrier's expense.¹⁶ Southern strongly endorses the views expressed by commenters opposed to such obligations.¹⁷ Consumers should be made aware of the benefits of having an ALI-capable handset, and then should be free to decide when to replace their existing handsets.

¹⁴ See Comments of Airtouch Communications, Inc. at 9. Of course, this requirement must be predicated on a carrier's vendor making such handset available in this timeframe.

¹⁵ See Comments of Sprint PCS at 3.

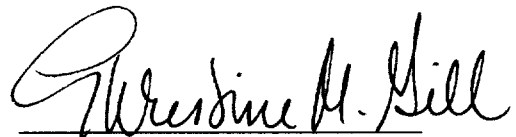
¹⁶ *Notice* at 6.

¹⁷ Comments of PCIA at 5-6.

CONCLUSION

WHEREFORE, THE PREMISES CONSIDERED, Southern urges the Commission to consider these reply comments and to proceed in a manner consistent with the views expressed herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christine M. Gill". The signature is written in a cursive, flowing style with a large initial "C".

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Dated: July 2, 1999

CERTIFICATE OF SERVICE

This is to certify that Southern Communications Services, Inc.'s Reply Comments have been served on this 2nd day of July, 1999 on the following:

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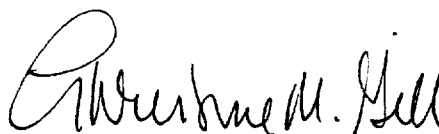
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